REMARKS

Claims 2-16 and 18-24 remain in this application, while claims 1 and 17 were previously canceled. Reconsideration of the application is requested.

Independent claims 23 and 24 are rejected, along with various dependent claims, as unpatentable over the Schmaelzle et al. and Weissrich et al. patents relied on previously in view of either newly cited U.S. Patent 6,688,683 to Kreiner et al. or newly cited U.S. Patent 6,761,396 to Ohtsu et al. Claims 23 and 24 are amended above to reflect certain features discussed in paragraphs 15 and 21 of the specification, however, and reconsideration of the rejection of claims 23 and 24 is requested.

According to the present invention, all movements of each individual roof part, as well as movements of the sun shade, can be controlled by a single control unit. There is only one single operating switch, by which every possible end position of the various roof parts can be selected. With each possible switch position, one position for each roof part can be determined. When the operating switch is activated, the control unit determines which movements of the individual roof sections have to be executed. One feature of the invention concerns a situation in which a roof section has a certain position prior to activating the operating switch, and in which that roof section will again take the same position after movement of the individual roof sections is performed. If, for example, the operating switch is switched from position C to position F, the roof sections do not go into position D, which lies in between positions C and F.

The control unit will rather move the roof section SD1 from the start position into its final position and, at the same time, start the movement of roof section SD2, so that there is no unnecessary gap between the fixed roof FD and the adjustable roof sections, and so that the "crush" risk is minimized. Similarly, when switching from position D to position F, the first roof section SD2 is moved and, subsequently, the roof section SD1 is moved to its final position, so that roof section SD2 is then opened again. Here again, the crush risk is reduced, and smooth transition between the individual positions can be provided. Such a forced control of individual roof sections in connection with the complex movement is necessary to guarantee crush protection and to prevent the roof sections from obstructing each other during movement.

Forced movement of individual roof sections as determined by the control unit and as reflected in both currently amended claim 23 and currently amended claim 24 is not known from any of the documents relied on by the Examiner. Each of the newly cited Kreiner et al. and Ohtsu et al. patents shows a conventional sliding roof with an adjustable roof section, but neither of these newly cited documents concerns movement of several different components, and three is no need for crush protection when individual roof elements are moved at the same time.

The Odoi et al. patent discussed in sections 4 and 6 of the Office Action, the Henderson, III et al. patent discussed in sections 5 and 6 of the Office Action, and the Flaherty et al. patent discussed in section 6 of the Office Action all fail to

suggest further modifying the Schmaelzle et al. sun roof such that the limitations in claims 23 and 24 discussed above are present, and it is respectfully submitted that each of currently amended claims 23 and 24 is patentable for reasons discussed above. The remaining, dependent claims of this application are patentable as well.

This application is now in allowable condition for reasons discussed above. Should the Examiner have any questions after considering this Reply, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,

January 4, 2005

Richard R. Diefendorf
Registration No. 32,390

CROWELL & MORING LLP
Intellectual Property Group
P.O. Box 14300
Washington, DC 20044-4300
Telephone No.: (202) 624-2500
Facsimile No.: (202) 628-8844
RRD:msy